

RIOS FLOOR AMENDMENT

SENATE AMENDMENTS TO H.B. 2250

(Reference to House engrossed bill)

1 Page 1, strike lines 2 through 45

2 Page 2, strike lines 1 through 38, insert:

3 "Section 1. Section 28-2351, Arizona Revised Statutes, is amended to  
4 read:

5 28-2351. License plate provided; design

6 A. The department shall provide to every owner one license plate for  
7 each vehicle registered. At the request of the owner and on payment of any  
8 required fee, the department shall provide either one or two license plates  
9 for a vehicle for which a special plate is requested pursuant to this  
10 chapter, except that the department shall provide one license plate if the  
11 special plate is issued pursuant to section ~~28-2404~~, 28-2409 or 28-2416.

12 B. The license plate shall display the number assigned to the vehicle  
13 and to the owner of the vehicle and the name of this state, which may be  
14 abbreviated. The director shall coat the license plate with a reflective  
15 material that is consistent with the determination of the ~~license plate~~  
16 ~~commission established by section 28-2405~~ DEPARTMENT regarding the color and  
17 design of license plates and special plates ~~as prescribed by section 28-2405~~.

18 The director shall design the license plate and the letters and numerals on  
19 the license plate to be of sufficient size to be plainly readable during  
20 daylight from a distance of one hundred feet. In addition to the standard  
21 license plate issued for a trailer before August 12, 2005, the director shall  
22 issue a license plate for trailers that has a design that is similar to the  
23 standard size license plate for trailers but that is the same size as the  
24 license plate for motorcycles. The trailer owner shall notify the department  
25 which size license plate the owner wants for the trailer.

26 C. Notwithstanding any other law, the department shall not contract  
27 with a nongovernmental entity to purchase or secure reflective material for  
28 the plates issued by the department unless the department has made a

1 reasonable effort to secure qualified bids or proposals from as many  
2 individual responsible respondents as possible.

3 D. The ~~license plate commission established by section 28-2405~~  
4 DEPARTMENT shall determine the color and design of the license plate. All  
5 other plates issued by the department, except the plates issued pursuant to  
6 sections 28-2412, 28-2413, 28-2414, 28-2416 through 28-2428, 28-2452,  
7 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the  
8 same color as and similar in design to the license plate as determined by the  
9 ~~commission~~ DEPARTMENT.

10 E. A passenger motor vehicle rented without a driver shall receive the  
11 same type of license plate as issued for a private passenger motor vehicle.

12 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

13 28-2403. Special plates; transfers; violation; classification;  
14 combined requests

15 A. Except as otherwise provided in this article, the department shall  
16 issue or renew special plates in lieu of the regular license plates pursuant  
17 to the following conditions and procedures and only if the requirements  
18 prescribed by this article for the requested special plates are met:

19 1. Except as provided in section 28-2416, a person who is the  
20 registered owner of a vehicle registered with the department or who applies  
21 for an original or renewal registration of a vehicle may submit to the  
22 department a completed application form as prescribed by the department with  
23 the fee prescribed by section 28-2402 for special plates in addition to the  
24 registration fee prescribed by section 28-2003.

25 2. Except for plates issued pursuant to sections 28-2412, 28-2413,  
26 28-2414, 28-2416 through 28-2428, 28-2452, 28-2453, 28-2454 and 28-2455 and  
27 article 14 of this chapter, the special plates shall be the same color as and  
28 similar to the design of the regular license plates that is determined by the  
29 ~~license plate commission pursuant to section 28-2351~~ DEPARTMENT.

30 3. Except as provided in section 28-2416, the department shall issue  
31 special plates only to the owner or lessee of a vehicle that is currently

1 registered, including any vehicle that has a declared gross weight, as  
2 defined in section 28-5431, of twenty-six thousand pounds or less.

3 4. Except as provided in section 28-2416, the department shall charge  
4 the fee prescribed by section 28-2402 for each annual renewal of special  
5 plates in addition to the registration fee prescribed by section 28-2003.

6 B. Except as provided in section 28-2416, on notification to the  
7 department and on payment of the transfer fee prescribed by section 28-2402,  
8 a person who is issued special plates may transfer the special plates to  
9 another vehicle the person owns or leases. Persons who are issued special  
10 plates for hearing impaired persons pursuant to section 28-2408 and  
11 international symbol of access special plates pursuant to section 28-2409 are  
12 exempt from the transfer fee. If a person who is issued special plates  
13 sells, trades or otherwise releases ownership of the vehicle on which the  
14 plates have been displayed, the person shall immediately report the transfer  
15 of the plates to the department or the person shall surrender the plates to  
16 the department as prescribed by the director. It is unlawful for a person to  
17 whom the plates have been issued to knowingly permit them to be displayed on  
18 a vehicle except the vehicle authorized by the department.

19 C. The special plates shall be affixed to the vehicle for which  
20 registration is sought in lieu of the regular license plates.

21 D. A person is guilty of a class 3 misdemeanor who:

22 1. Violates subsection B of this section.

23 2. Fraudulently gives false or fictitious information in the  
24 application for or renewal of special plates or placards issued pursuant to  
25 this article.

26 3. Conceals a material fact or otherwise commits fraud in the  
27 application for or renewal of special plates or placards issued pursuant to  
28 this article.

29 E. THE DIRECTOR SHALL ALLOW A REQUEST FOR A SPECIAL ORGANIZATION PLATE  
30 TO BE COMBINED WITH A REQUEST FOR A PERSONALIZED SPECIAL PLATE IF THE  
31 ORGANIZATION MAKES THE REQUEST AND PAYS THE DEPARTMENT THE MONIES NECESSARY  
32 TO COVER THE DEPARTMENT'S COSTS TO IMPLEMENT THE COMBINATION. THE REQUEST

1 SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR  
2 THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR THE  
3 ORGANIZATION SPECIAL PLATE. AFTER RECEIVING A REQUEST FROM AN ORGANIZATION TO  
4 ALLOW FOR A COMBINATION OF THE SPECIAL ORGANIZATION PLATE WITH PERSONALIZED  
5 SPECIAL PLATES, THE DEPARTMENT SHALL PROVIDE TO THE JOINT LEGISLATIVE BUDGET  
6 COMMITTEE A DETAILED WRITTEN STATEMENT OF THE IMPLEMENTATION COSTS OF THE  
7 COMBINATION.

8 Sec. 3. Repeal

9 Sections 28-2404 and 28-2405, Arizona Revised Statutes, are repealed.”

10 Renumber to conform

11 Page 5, after line 15, insert:

12 Sec. 5. Section 28-2418, Arizona Revised Statutes, is amended to read:

13 28-2418. Navajo nation special plates

14 A. The department shall issue Navajo nation special plates. The  
15 color and design of the Navajo nation special plates shall be different from  
16 the color and design of regular license plates determined by the ~~license~~  
17 ~~plate commission pursuant to section 28-2351~~ DEPARTMENT and shall be  
18 representative of the Navajo nation.

19 B. Of the twenty-five dollar fee required by section 28-2402 for the  
20 original special plates and for renewal of special plates, eight dollars is a  
21 special plate administration fee and seventeen dollars is an annual donation.

22 C. The department shall deposit, pursuant to sections 35-146 and  
23 35-147, all special plate administration fees in the state highway fund  
24 established by section 28-6991 and shall transmit all donations collected  
25 pursuant to this section to the Navajo nation department of highway  
26 safety. The Navajo nation department of highway safety shall use these  
27 monies only for traffic control devices that conform to the manual and  
28 specifications prescribed in section 28-641 on highways on the Navajo  
29 reservation that are located in this state and that are not state highways.

30 Sec. 6. Section 28-2419, Arizona Revised Statutes, is amended to read:

31 28-2419. Transplantation awareness special plates; fund

1           A. The department shall issue transplantation awareness special  
2 plates. The color and design of the transplantation awareness special plates  
3 shall be different from the color and design of regular license plates  
4 determined by the ~~license plate commission pursuant to section 28-2351~~  
5 ~~DEPARTMENT~~.

6           B. Of the twenty-five dollar fee required by section 28-2402 for  
7 original special plates and for renewal of special plates, eight dollars is a  
8 special plate administration fee and seventeen dollars is an annual donation.

9           C. The department shall deposit, pursuant to sections 35-146 and  
10 35-147, all special plate administration fees in the state highway fund  
11 established by section 28-6991 and all donations collected pursuant to this  
12 section in the transplantation awareness fund established by this section.

13           D. The transplantation awareness fund is established consisting of  
14 monies received pursuant to this section. The director shall administer the  
15 fund.

16           E. The director shall select a private coalition that is qualified  
17 under section 501(c)(3) of the United States internal revenue code for  
18 federal income tax purposes and that has a mission of promoting  
19 transplantation awareness and allocate the monies in the fund to the  
20 coalition on an annual basis.

21           F. On notice from the director, the state treasurer shall invest and  
22 divest monies in the fund as provided by section 35-313, and monies earned  
23 from investment shall be credited to the fund.

24           G. Monies in the fund are exempt from the provisions of section 35-190  
25 relating to lapsing of appropriations.

26           Sec. 7. Section 28-2420, Arizona Revised Statutes, is amended to read:  
27 28-2420. San Carlos Apache tribe special plates

28           A. The department shall issue San Carlos Apache tribe special  
29 plates. The color and design of the San Carlos Apache tribe special plates  
30 shall be different from the color and design of regular license plates  
31 determined by the ~~license plate commission pursuant to section 28-2351~~  
32 ~~DEPARTMENT~~ and shall be representative of the San Carlos Apache tribe.

1           B. Of the twenty-five dollar fee required by section 28-2402 for the  
2 original special plates and for renewal of special plates, eight dollars is a  
3 special plate administration fee and seventeen dollars is an annual donation.

4           C. The department shall deposit, pursuant to sections 35-146 and  
5 35-147, all special plate administration fees in the state highway fund  
6 established by section 28-6991 and shall transmit all donations collected  
7 pursuant to this section to the San Carlos Apache tribe transportation  
8 board. The San Carlos Apache tribe transportation board shall use these  
9 monies only for traffic control devices that conform to the manual and  
10 specifications prescribed in section 28-641 on highways on the San Carlos  
11 Apache tribe reservation that are located in this state and that are not  
12 state highways.

13           Sec. 8. Section 28-2425, Arizona Revised Statutes, is amended to read:

14           28-2425. White Mountain Apache tribe special plates

15           A. The department shall issue White Mountain Apache tribe special  
16 plates. The color and design of the White Mountain Apache tribe special  
17 plates shall be different from the color and design of regular license plates  
18 determined by the ~~license plate commission pursuant to section 28-2351~~  
19 DEPARTMENT and shall be representative of the White Mountain Apache tribe.  
20 The director may allow a request for White Mountain Apache tribe special  
21 plates to be combined with a request for personalized special plates. If the  
22 director allows such a combination, the request shall be in a form prescribed  
23 by the director and is subject to the fees for the personalized special  
24 plates in addition to the fees required for White Mountain Apache tribe  
25 special plates.

26           B. Of the twenty-five dollar fee required by section 28-2402 for the  
27 original special plates and for renewal of special plates, eight dollars is a  
28 special plate administration fee and seventeen dollars is an annual donation.

29           C. The department shall deposit, pursuant to sections 35-146 and  
30 35-147, all special plate administration fees in the state highway fund  
31 established by section 28-6991 and shall transmit all donations collected  
32 pursuant to this section to the White Mountain Apache tribe transportation

1 committee. The White Mountain Apache tribe transportation committee shall  
2 use these monies only for traffic control devices that conform to the manual  
3 and specifications prescribed in section 28-641 on highways on the Fort  
4 Apache Indian reservation that are located in this state and that are not  
5 state highways.

6 Sec. 9. Section 28-2515, Arizona Revised Statutes, is amended to read:

7 28-2515. Taxis; license plates

8 A. Subject to legislative appropriation, ~~beginning on July 1, 2004,~~  
9 the department shall issue taxi special plates to the owner of every vehicle  
10 operating as a taxi.

11 B. Every vehicle operating as a taxi shall display a taxi special  
12 plate issued by the department pursuant to this section.

13 C. The color and design of the taxi special plates shall be determined  
14 by the ~~license plate commission pursuant to section 28-2351~~ DEPARTMENT and  
15 shall indicate that the vehicle is a taxi.

16 Sec. 10. Section 28-6501, Arizona Revised Statutes, is amended to  
17 read:

18 28-6501. Definition of highway user revenues

19 In this article, unless the context otherwise requires or except as  
20 otherwise provided by statute, "highway user revenues" means all monies  
21 received in this state from licenses, taxes, penalties, interest and fees  
22 authorized by the following:

23 1. Chapters 2, 7, 8 and 15 of this title, except for:

24 (a) The special plate administration fees prescribed in sections  
25 ~~28-2404,~~ 28-2412 through 28-2428 and 28-2514.

26 (b) The donations prescribed in sections ~~28-2404,~~ 28-2412 through  
27 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

28 2. Chapters 10 and 11 of this title.

29 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided  
30 in sections 28-5926 and 28-5927.

31 Sec. 11. Section 28-6991, Arizona Revised Statutes, is amended to  
32 read:

1           28-6991. State highway fund; sources

2           A state highway fund is established that consists of:

3           1. Monies distributed from the Arizona highway user revenue fund  
4 pursuant to chapter 18 of this title.

5           2. Monies appropriated by the legislature.

6           3. Monies received from donations for the construction, improvement or  
7 maintenance of state highways or bridges. These monies shall be credited to  
8 a special account and shall be spent only for the purpose indicated by the  
9 donor.

10          4. Monies received from counties under cooperative agreements,  
11 including proceeds from bond issues. The state treasurer shall deposit these  
12 monies to the credit of the fund in a special account on delivery to the  
13 treasurer of a concise written agreement between the department and the  
14 county stating the purposes for which the monies are surrendered by the  
15 county, and these monies shall be spent only as stated in the agreement.

16          5. Monies received from the United States under an act of Congress to  
17 provide aid for the construction of rural post roads, but monies received on  
18 projects for which the monies necessary to be provided by this state are  
19 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
20 shall be allotted by the department and deposited by the state treasurer in  
21 the special account within the fund established for each project. On  
22 completion of the project, on the satisfaction and discharge in full of all  
23 obligations of any kind created and on request of the department, the  
24 treasurer shall transfer the unexpended balance in the special account for  
25 the project into the state highway fund, and the unexpended balance and any  
26 further federal aid thereafter received on account of the project may be  
27 spent under the general provisions of this title.

28          6. Monies in the custody of an officer or agent of this state from any  
29 source that is to be used for the construction, improvement or maintenance of  
30 state highways or bridges.

31          7. Monies deposited in the state general fund and arising from the  
32 disposal of state personal property belonging to the department.



1           8. Receipts from the sale or disposal of any or all other property  
2 held by the department and purchased with state highway monies.

3           9. Monies generated pursuant to section 28-410.

4           10. Monies distributed pursuant to section 28-5808, subsection B,  
5 paragraph 2, subdivision (d).

6           11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

7           12. Except as provided in section 28-5101, the following monies:

8           (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
9 subsection B, paragraph 2, subdivision (e).

10           (b) One dollar of each registration fee and one dollar of each title  
11 fee collected pursuant to section 28-2003.

12           (c) Two dollars of each late registration penalty collected by the  
13 director pursuant to section 28-2162.

14           (d) The air quality compliance fee collected pursuant to section  
15 49-542.

16           (e) The special plate administration fees collected pursuant to  
17 sections ~~28-2404~~, 28-2412 through 28-2428 and 28-2514.

18           (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
19 if the director is the registering officer.

20           13. Monies deposited pursuant to chapter 5, article 5 of this title.

21           14. Donations received pursuant to section 28-2269.

22           15. Dealer and registration monies collected pursuant to section  
23 28-4304.

24           16. Abandoned vehicle administration monies deposited pursuant to  
25 section 28-4804.

26           17. Monies deposited pursuant to section 28-710, subsection D,  
27 paragraph 2.

28           Sec. 12. Section 28-6993, Arizona Revised Statutes, is amended to  
29 read:

30           28-6993. State highway fund; authorized uses

31           A. Except as provided in subsection B of this section and section  
32 28-6538, the state highway fund shall be used for any of the following

1 purposes in strict conformity with and subject to the budget as provided by  
2 this section and by sections 28-6997 through 28-7003:

3 1. To pay salaries, wages, necessary travel expenses and other  
4 expenses of officers and employees of the department and the incidental  
5 office expenses, including telegraph, telephone, postal and express charges  
6 and printing, stationery and advertising expenses.

7 2. To pay for both:

8 (a) Equipment, supplies, machines, tools, department offices and  
9 laboratories established by the department.

10 (b) The construction and repair of buildings or yards of the  
11 department.

12 3. To pay the cost of both:

13 (a) Engineering, construction, improvement and maintenance of state  
14 highways and parts of highways forming state routes.

15 (b) Highways under cooperative agreements with the United States that  
16 are entered into pursuant to this chapter and an act of Congress providing  
17 for the construction of rural post roads.

18 4. To pay land damages incurred by reason of establishing, opening,  
19 altering, relocating, widening or abandoning portions of a state route or  
20 state highway.

21 5. To reimburse the department revolving account.

22 6. To pay premiums on authorized indemnity bonds and on compensation  
23 insurance under the workers' compensation act.

24 7. To defray lawful expenses and costs required to administer and  
25 carry out the intent, purposes and provisions of this title, including  
26 repayment of obligations entered into pursuant to this title, payment of  
27 interest on obligations entered into pursuant to this title, repayment of  
28 loans and other financial assistance, including repayment of advances and  
29 interest on advances made to the department pursuant to section 28-7677, and  
30 payment of all other obligations and expenses of the board and department  
31 pursuant to chapter 21 of this title.

32 8. To pay lawful bills and charges incurred by the state engineer.

1           9. To acquire, construct or improve entry roads to state parks or  
2 roads within state parks.

3           10. To acquire, construct or improve entry roads to state prisons.

4           11. To pay the cost of relocating a utility facility pursuant to  
5 section 28-7156.

6           12. For the purposes provided in subsections C, D and E of this section  
7 and sections 28-1143, 28-2353 and 28-3003.

8           B. For each fiscal year, the department of transportation shall  
9 allocate and transfer monies in the state highway fund to the department of  
10 public safety for funding a portion of highway patrol costs in eight  
11 installments in each of the first eight months of a fiscal year that do not  
12 exceed ten million dollars.

13           C. Subject to legislative appropriation, the department may use the  
14 monies in the state highway fund as prescribed in section 28-6991, paragraph  
15 12 to carry out the duties imposed by this title for registration or titling  
16 of vehicles, to operate joint title, registration and driver licensing  
17 offices, to cover the administrative costs of issuing the air quality  
18 compliance sticker, modifying the year validating tab and issuing the  
19 windshield sticker and to cover expenses and costs in issuing special plates  
20 pursuant to sections ~~28-2404~~, 28-2412 through 28-2428 and 28-2514.

21           D. The department shall use monies deposited in the state highway fund  
22 pursuant to chapter 5, article 5 of this title only as prescribed by that  
23 article.

24           E. Monies deposited in the state highway fund pursuant to section  
25 28-2269 shall be used only as prescribed by that section.

26           F. Monies deposited in the state highway fund pursuant to section  
27 28-710, subsection D, paragraph 2 shall only be used for state highway work  
28 zone traffic control devices.

29           G. The department may exchange monies distributed to the state highway  
30 fund pursuant to section 28-6538, subsection A, paragraph 1 for local  
31 government surface transportation program federal monies suballocated to  
32 councils of government and metropolitan planning organizations if the local

1 government scheduled to receive the federal monies concurs. An exchange of  
2 state highway fund monies pursuant to this subsection shall be in an amount  
3 that is at least equal to ninety per cent of the federal obligation authority  
4 that exists in the project for which the exchange is proposed.

5 Sec. 13. CurcCurrent special organization license plates

6 Special organization license plates authorized and issued pursuant to  
7 section 28-2404, Arizona Revised Statutes, and published in the Arizona  
8 administrative code before the effective date of this act remain valid  
9 license plates issued by this state unless the legislature enacts legislation  
10 specifically terminating those license plates.”

11 Renumber to conform

12 Amend title to conform

5/16/08

~~8:37 AM~~

~~S: BG/dr~~

5/20/08

1:25 PM

rbc